



Lamoine Board of Selectmen

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MINUTES OF MAY 29, 2008

Selectman Chris Tadema-Wielandt called the meeting to order at 7:02 PM

Present were: Selectmen Brett Jones, Richard Fennelly Jr., Chris Tadema-Wielandt, Cynthia Donaldson; Administrative Assistant Stu Marckoon, Assessors Terry Towne, Jane Fowler, Deputy CEO Michael Jordan, Assistant Town Clerk Kathy DeFusco, School Committee Member Faith Perkins, and William Fennelly. Selectman Jo Cooper was unable to attend due to interview with potential school principal candidates.

The meeting was telecast live on Lamoine Cable TV Channel 7 and recorded on DVD.

Agenda – There were no changes to the agenda.

Minutes – Cynthia said she had several changes to the minutes in regard to the school consolidation discussion on page six and she would write those out by the end of the meeting. Richard said he had a change in regard to the discussion about the administrative assistant's job description and submitted the written change. Stu noted Chris had submitted minor changes the previous morning. Brett moved to approve the minutes with the corrections. Richard 2nd **Vote in favor was 4-0.**

Warrant 24 – Selectmen signed expenditure warrant 24 for \$45,270.34.

Cash & Budget Report – Stu noted that excise tax collections were finally starting to pick up.

Fuel Bids – Stu reported the Maine Power Options bid for heating oil was just a markup by No Frills Oil, and no set price. He suggested waiting until August when oil is traditionally at its lowest price. Cynthia asked if the town had used Maine Power Options before. Stu said we had not; we have gone with the school department. A short discussion followed about the oil market. The consensus of the board was to reject the Maine Power Option offer and continue with the past practice.

Request for tax refund – Joseph & Joanne St. Pierre – Stu noted the St. Pierres were not present and they had not called. Jane Fowler said the St. Pierres did not attend the last meeting with the Assessors. There was a discussion about tabling any action until the next meeting. Terry Towne said the

Assessors are quite interested in the matter and suggested tabling it to the next meeting. He said there was a paper trail the Assessors were not aware of.

Richard said he had a number of questions. He said there didn't seem to be any question about who owns the home. He said the question seems to be who would be assessed for the land. Mrs. Fowler said the abatement request to the Selectmen included both the land and buildings. Richard asked whether the St. Pierres still own the house or have they lost it and if the St. Pierres were asking for an abatement on the house. Terry noted that the 2007 abatement request to the Board of Assessors was for the land only. A discussion followed about past abatement requests.

Chris asked what the recourse was if the St. Pierres don't pay the property tax. He asked if the town could get the tax money from somebody else. Mr. Towne said if the Selectmen issue an abatement to the St. Pierres, the Assessors could issue a supplemental bill to Donald Tozier. Mrs. Fowler noted that the St. Pierres lived in the house and had access to town services during the years in question. She said they built the house, moved in, and paid taxes on it for the first three years of its existence. She said the Board of Assessors did not create the problem between Mr. Tozier and the St. Pierres. She said the Assessors were going to deny the 2007 abatement request, but before the Board acted, the St. Pierres called her and asked to withdraw it. She said they submitted another abatement request which exceeded the authority of the Assessors because they were asking for multiple years.

Richard said the issue seems simple – one party or the other is responsible for the property taxes. He said the person who owns the house is responsible for the taxes on that. Chris said it appeared that the St. Pierres hired counsel to argue that they did own the house. Richard said it seems clear the St. Pierres didn't own the land. He said if an abatement is granted on the land for the St. Pierres, a supplemental tax ought to be issued to Mr. Tozier. Chris said the St. Pierres should be told to chase Mr. Tozier for the tax payments. Mr. Towne asked if it becomes a civil case at that time. A short discussion followed in regard to who owns and was taxed for the St. Pierre land. Stu explained the lien process.

Richard said the Board could abate the property tax on the land and instruct the assessors to issue a supplemental tax on the land to Mr. Tozier. He said no abatement should be issued on the house. Mrs. Fowler noted that the St. Pierres improved and used the land. Mr. Towne said he suspects something like this has happened somewhere else in Maine and we could ask MMA Legal Services for assistance.

Brett said the Board could encourage the parties to settle this as a civil matter. Richard said he would prefer to table the matter until the St. Pierres attend the meeting. There were brief discussions of the deed description, the permitting process, and title searches.

Brett moved to table the matter until the St. Pierres were in attendance. Richard 2nd. **Vote in favor was 4-0 to table until the next regular meeting.** The Board asked Stu to write to the St. Pierres to inform them of the tabling.

State Valuation – Richard asked if the local valuation has been completed yet. Mrs. Fowler said not yet, but she didn't expect a big increase from the previous year. Richard asked if the slowdown of the economy has been reflected in the 2009 state valuation. A short discussion followed on the methodology of the state valuation process. Stu said he tracks the declarations of the value and the sale prices seemed to mirror the state's 87% determination.

Chris asked when the tax commitment would be ready. Mrs. Fowler said they hope to have the work done around July 1st. A short discussion followed on the assessment process and the quarterly review the Board is conducting.

Color Printer – Mrs. Fowler said the Assessors take a lot of photos in the assessing process. She said Stu currently prints those at home on his color printer. Richard moved to spend up to \$350 for a color laser printer. Cynthia 2nd. **Vote in favor was 4-0.**

Appeals Board – Stu encouraged the Selectmen to attend the meeting of the Board of Appeals on June 9, 2008 in regard to the petition on a town meeting referendum ordinance. Chris noted that the determination of jurisdiction should be the end of that meeting.

Appointed Officials – Chris noted that the Board has received applications for the paid positions. It was noted there will be three vacancies on the volunteer appointed board. The Board asked Stu to advertise those and prepare thank-you letters for those who are stepping down. Reappointments will take place in June.

Governmental Mutual Aid Agreement – Selectmen signed the Governmental Mutual Aid Agreement approved by the town meeting the previous week.

School Budget – Faith Perkins noted that a new chair, Christina Maguire-Harding, was selected at the April 2008 meeting. Cynthia asked what is going on in regard to the budget following rejection of the validation referendum two days earlier. Ms. Perkins said the School Board meets on Monday on budget and

consolidation issues. She said they need to bring the budget before the town as soon as possible.

Ms. Perkins said the latest budget presented by the School Committee and turned down is what takes effect if no budget is approved prior to the start of the fiscal year. She said they would like to go through the Budget Committee process. Brett asked if that meant it was always the last budget. Ms. Perkins said she didn't know. Chris asked if there have been other towns that had rejected the proposed budget at the validation referendum. Ms. Perkins said it has happened before. A short discussion followed in regard to the current year and Trenton's budget process.

There was a discussion about a report that Stu generated earlier in the day at the request of Cynthia and School Committee member Kathleen Rybarz. The report analyzed the impact on mill rates and tracked valuation and tax amounts over the past few years.

Brett asked if there had been any calculation of the cost of tuition for all the students and shutting down the Lamoine School. Ms. Perkins said they've calculated tuition for sending grades 5-8 to another school, but did not see any cost savings, though there might be some educational benefit. A discussion followed as to whether this would be financially beneficial. Ms. Perkins said it depends on what other schools would go along with Lamoine. She said they met with Trenton school officials, and are still exploring that idea.

Ms. Perkins said the per-pupil cost at Trenton was significantly higher than Lamoine. She said she would have the figures for the next town meeting. Richard asked if there was a difference between a tuition plan and a contract. Ms. Perkins said she didn't know. Richard asked if there was any guesstimate of what the property tax rate would be for FY 2010. Brett noted Lamoine is close to becoming a minimum EPS receiver. He noted that state values lag a couple years behind.

Chris said that even if the expenditure increase were removed, that's a fairly small amount and some major cutting would have to be done to negate the tax increase. He asked what solution was being offered by the opponents to the budget. Richard said it was all politics. He said the Governor created LD1 and the school consolidation legislation. He said the consolidation works counter to LD 1, and people have had enough of property taxes. He said people voted with their wallets. He said when all this is put together with increased energy costs; it's a hard thing to come up with a creative way to get something done with limited resources.

Chris said he wished there was more input from those who said no to the budget. Richard said he was told that a suggestion was made to the school committee to combine two grades into one with one teacher and the person who suggested that was told by the School Committee it was illegal. Ms. Perkins said the school board talked about it. She said some schools do that. Richard said people want to see a hard effort being made to hold the line on property taxes, and he's not sure they'll be satisfied with anything. Cynthia said she's not sure that everyone voting recognized there were significant cuts and how hard the school committee worked. She said she was distressed to think that people thought there was profligate spending. She said a significant part of the budget increase is special education, transportation, fuel, and heat. She said the School Committee was not irresponsible.

Cynthia said no matter where one stands in the political spectrum, coastal towns are unfairly penalized. Richard said people are leaving coastal towns and said there was a lot of property for sale. Ms. Perkins said, at the previous school committee meeting, they discussed combining grades, and there is an upper limit on class size.

Richard asked whether it made more sense for two towns to support the cost of one school or for the cost of two schools. Brett said he was intrigued by the idea of the upper grades going to another place. Ms. Perkins said Ellsworth would not have room. She noted that Lamoine voted to repair the school, but voted down expansion. She said the school committee wants to make sure the students have the same opportunities as students in other communities. She said the upper grade students don't have the same science experience as students in other schools.

Chris asked if the diminished capability of the school would reduce the value of living in Lamoine. Ms. Perkins said that is already happening. She said she has heard in meetings that Lamoine does not value education. She said more effort needs to be put into negotiating with neighboring communities, and they are reluctant to work with Lamoine. Richard asked if Trenton has the same problem. Ms. Perkins said yes in regard to small class sizes.

Stu asked when the next town meeting might be scheduled. Ms. Perkins said they hope to do it before the end of the fiscal year (June 30th).

Flag Display Policy – Richard said he received feedback wanting to know why the flags were not displayed on the utility poles by Memorial Day. He said the policy reads that they would be put up by Flag Day. He moved to revise the policy to read Memorial Day. Chris 2nd. **Vote in favor was 4-0.** Stu asked who is supposed to put up the flags. He said he was able to get a few in place on

Memorial Day morning. Richard said he was planning to do that, and didn't mind volunteering.

Renovation Bid – Selectmen reviewed the final draft of the town hall renovation bid documents and there were no changes proposed. There was a discussion about the bid deadline – it's presently June 26th. There was a discussion about what happens if the bids are higher than budgeted.

Water Tests – Stu reported the landfill monitoring wells report just came in, as did the final report for the residential wells around the landfill area. He said there was no mercury found in the residential wells.

Other – Richard said he wanted to note that the open town meeting had far fewer people in attendance compared to those that turned out for the validation referendum vote. Brett said the question on the validation referendum was vague and difficult to understand. Stu said he received calls about the lack of publicity about the validation referendum. He noted that the date was on the front page of the April Lamoine Quarterly, on the front of the town's web page, posted in the required places, and on the Cable TV Channel. He noted that 477 people turned out to vote, a far higher turnout than many other communities.

Next Meetings – Selectmen by consensus changed the scheduled August meeting from the 14th to the 21st.

Executive Session – Chris moved to enter executive session pursuant to 1MRSA §405 (6)(a) to review applications for the transfer station attendant and animal control officer position. Richard 2nd. **Vote in favor 4-0 at 8:34 PM.** Out at 8:55 PM

Invitations for interviews were sent to all applicants. Interviews will be held beginning at 6:15 PM on June 12, 2008 and taking place in executive session at 15-minute intervals.

Cynthia gave a brief update in regard to school consolidation and said the process was very frustrating. There was more informal discussion about the school budget process.

There being no further business, the meeting adjourned at 9:05 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.